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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,721	03/06/2007	Zvi Zlotnik	P-8798-US	3409
49443	7590	04/21/2008		
Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036			EXAMINER PIHULIC, DANIEL T	
			ART UNIT 3662	PAPER NUMBER
			MAIL DATE 04/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/578,721		ZLOTNIK ET AL.	
	Examiner		Art Unit	
	DAN PIHULIC		3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 19-28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 10, 18 and 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060510</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 17, 28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US6359835. The US6359835 reference discloses the utilization of an acoustic beam crowd dispersion device that utilizes phased arrays and also can be manually steered (see the abstract and Figures 5 & 1) as recited in the aforementioned claims.

4. Claims 1, 4, 6, 7, 12, 20, 21, 28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US6052336. The US6052336 reference discloses the utilization of acoustic beam crowd control device that utilizes an array and also can be manually steered. The US6052336 reference also discloses mounting the device on a vehicle or a stationary structure (see Figure 4) and the ability to transmitting a message (see column 2, lines 7-12) as recited in the aforementioned claims.

5. Claims 1, 4, 8 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US5636180. The US5636180 reference discloses the utilization of an acoustic beam device that

utilizes an array that can be manually steered (see Figure 1). The US5636180 reference also discloses a remote control unit (46) as recited in the aforementioned claims.

6. Claims 1, 4, 6, 7, 11, 13-16, 22, 28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US5610876. The US5610876 reference discloses the utilization of an acoustic deterrent device that utilizes an array and also can be manually steered. The US5610876 reference also discloses mounting the device on a marine environment and the ability to control the power level (see the Abstract). The US5610876 reference further discloses a main power supply (22) and a power supply generator (24) as recited in the aforementioned claims.

7. Claims 1-7, 9, 12, 23-28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US43499898. The US43499898 reference discloses the utilization of an acoustic beam device that utilizes phased arrays and also can be manually steered. The US43499898 reference also discloses mounting the device on a vehicle (80) and the utilization of circular (30) or hexagonal (see figure 4) outlets as recited in the aforementioned claims.

8. Claims 1, 4, 19 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US5969593. The US5969593 reference discloses the utilization of an acoustic beam device that utilizes an array that can be manually steered. The US5969593 reference also discloses mounting the device on a vehicle (see figure 1) or an aircraft (column 3, lines 45-47) as recited in the aforementioned claims.

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9. Claims 10, 18 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday and every other Monday and Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/DAN PIHULIC/
Primary Examiner, Art Unit 3662**